



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

216125



FEB 04 2010

BY FEDERAL EXPRESS
PROMPT REPLY NECESSARY

William E. Austin Trust
C/o Ellen Austin, Trustee
149M Airport Road
Waitsfield, Vermont 05673

Re: VIP Cleaners Superfund Site, Morristown, Morris County, NJ
Notice of Potential Liability and Demand for Costs Pursuant to the Comprehensive
Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, et seq.

Dear Ms. Austin:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, ("CERCLA"), (also known as the "Superfund" Law). For your information, a copy of the Superfund law may be found at www.epa.gov/superfund/action/law/index.htm.

EPA has documented the release and threatened release of hazardous substances into the environment at the VIP Cleaners Superfund Site (the "Site") located at 89 Morris Street, Morristown, Morris County, New Jersey. The Site consists of a former dry-cleaning facility where a series of dry cleaners operated from the 1940s until 2008. The dry cleaning operations contaminated the soil and ground water at the Site. The operators used chlorinated solvents, including tetrachloroethylene (PCE), for dry-cleaning operations at the facility. PCE and trichloroethylene (TCE), which is a breakdown product of PCE, are hazardous substances under CERCLA and were found at the Site.

In response to the release of hazardous substances EPA evaluated soil vapors beneath the site structure(s) and monitored vapor mitigation measures undertaken by Mr. Peter Austin. EPA's activities also included the coordination and collection of indoor air samples from within various portions of the building to document the effectiveness of the mitigation measures.

and to: Michael J. van Itallie
New Jersey Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866
vanItallie.michael@epa.gov
212-637-3104-telefax

This demand for reimbursement applies only to past response costs which have been incurred by EPA with respect to the Site. If you do not notify EPA within the time specified above that you are prepared to reimburse EPA for its costs, we will conclude that you have declined to reimburse the Hazardous Substances Superfund for Site expenditures, and EPA may pursue its other enforcement options, including possible referral to the Department of Justice for collection.

ABILITY TO PAY

EPA is aware that some PRPs may have limited financial ability to contribute toward the payment of response costs at a Site. If you believe, and can document, that you, individually, fall within that category, please contact Ms. Lopez at the address above for information on making a claim of inability to pay. To process a claim of financial hardship, EPA will require documentation. Also, please note that because EPA has a potential claim against you, you must include EPA as a creditor if you file for personal bankruptcy.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, the Superfund Small Business Liability Relief and Brownfields Revitalization Act was signed into law. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act, which is enclosed with this letter.